

Approved Minutes
Friend of the Court Bureau
Advisory Committee Annual Meeting
State Court Administrative Office - Lansing, MI
Thursday, October 7, 2004

MEMBERS PRESENT: Dr. Bill Brooks, Hon. Mabel Mayfield, Patti Holden, Anthony Paruk, Fred Lebowitz and Lynn Bullard,

MEMBERS ABSENT: Nadine Klein, Gail Schneider-Negrinelli, Murray Davis and Suzanne Hoseth

STAFF PRESENT: Kelly Howard, Steve Capps, Tim Cole, and Darla Brandon

1. **CALL TO ORDER**

Dr. Brooks called the meeting to order at 9:40 a.m.

a. **Reappointment**

i. Anthony Paruk –Mr. Ferry has approved Mr. Paruk to serve another term in the attorney role on the Committee.

b. **Annual Business Meeting**

i. Election of Chairperson – Mr. Paruk made a motion to have Dr. Brooks continue as Chairperson. Motion seconded by Ms. Holden. **Motion passed unanimously.**

ii. Election of Vice-Chairperson – Ms. Holden made a motion to have Judge Mayfield continue as vice chairperson. Motion seconded by Mr. Lebowitz. **Motion passed unanimously.**

iii. Meeting Dates are as follows: January 6, April 7, July 7 and October 6, 2005.

iv. Meetings will continue to be held at Michigan Hall of Justice, 925 W. Ottawa St., Lansing. **The Advisory Committee will begin meeting at 11:00 a.m.**

b. **Appreciation of Service**

i. Gail Schneider-Negrinelli – Ms. Negrinelli was not at the meeting, and a plaque of appreciation for her services to the Committee will be mailed to her.

ii. The Committee received a resignation letter from Nadine Klein. There is now a vacancy for an attorney member on the Committee.

2. ROUTINE BUSINESS

a. Approval of July 8, 2004 Minutes.

The minutes will be amended to reflect that Nadine Klein and Lynn Bullard were not at the July 8, 2004 meeting. Also, under Routine Business, section b, last paragraph, replace Child Welfare/Family Services degrees to Education and Human Services degrees. A motion was made by Mr. Paruk and seconded by Ms. Holden to approve the minutes as amended. **Motion passed unanimously.**

b. Public Comment

- Dan Dieboldt of Washtenaw County commented that based on the rules in the FOC Act, the Committee is supposed to receive public comment prior to any vote by the members. He also questioned if the Committee was a public body under the open meetings act, or a judicial workgroup. He believes the Committee would function better if there was greater public comment at the meetings. He also discussed his dissatisfaction with the 2004 MarginSoft Guidelin Software posted to the SCAO website. He inquires what validation tests this software program was put through, and why the seal of the Michigan Supreme Court is in the program. Finally, he discussed amended bill 5472 that basically stated that FOC and the local prosecutor make an appearance at all of the divorce cases and potentially introduce evidence in opposition to grant a divorce. He would like to know what would be forthcoming if the Governor signs this bill.
- Keith Heiber – discussed his objection to a vote being taken by the Committee on the amended Committee By-laws prior to allowing public comment, with respect to the public comment procedures, specifically to article two in section one and section three of the By-laws. The current Formula Manual has allocated zero dollars to the needs of the children while in care of the non-custodial parents any time period less than six overnights. The children have needs at the non-custodial home, and those need to be recognized.

c. Correspondence

- i. Don Aldrich – Via e-mail, he discussed the unfairness of child support between the custodial and non-custodial parents, reflecting that child support awards should reflect the percentage of time scheduled, with a higher amount per hour for daytime hours, and the physical year review of actual time will determine additional payment or overpayment refund. Ms. Howard, a management analyst in the Bureau responded to him.

The Committee discussed how e-mail and correspondence from the public addressed to the Committee is answered. Mr. Capps answered that all correspondence addressed to the Committee is directed to and answered by an analyst in the Bureau, and the correspondence is forwarded to the Committee.

Ms. Holden made a motion that any e-mail or outside correspondence addressed to the FOCB Website be communicated to the individual that the response is from a FOCB analyst, and that their communication and response would be forwarded to the Advisory Committee. Mr. Paruk seconded the motion. **Motion passed unanimously.**

d. Subcommittee Reports Update

- i. Child Evaluation and Investigation Subcommittee met and have determined that the focus of the Subcommittee would be to look at all counties in the state of Michigan to assess whether or not the counties have chosen in-house or outsourcing custody evaluations. It would be good to assess the size and caseload of counties that are being inquired, as well as how the contractors are selected, hired and used per county. Also, are grants being used?

Ms. Holden made a motion on behalf of the Subcommittee that the FOCB staff looks at standardizing or providing some minimum standards for the person performing a function as it relates to evaluation then with that motion, the Friend of the Court Advisory Committee would suggest using it as it fits. Motion seconded by Mr. Lebowitz. **Motion passed unanimously.**

The Committee will discuss the CAC county recruitment and Subcommittee involvement at the next meeting.

e. Bureau Update

- i. 2004-05 Access and Visitation Grant Recipients – Mr. Cole informed the Committee that the selection committee met on August 18, 2004, and the following counties selected to receive funding are: Antrim/Grand Traverse/Leelanau, Houghton/Baraga/Keweenaw, Kalamazoo, Calhoun, Allegan, Barry, and VanBuren, Muskegon, Oakland, Oceana, Chippewa, Ingham, Ionia, and Manistee. Most of these counties are partnering with local agencies to provide some type of parenting assistance program.
- ii. Status of Formula Manual ownership – Mr. Capps informed the Committee that the Office of Child Support is working on setting

up a procedure for setting a new Guideline. They are bringing child support professionals, FOCs, SCAO, Prosecutors, matrimonial lawyers, and the family law section together to establish a suggested process by which the formula could be developed in the future. This does not deal with the mechanics of the Formula, just the procedure of getting it into some branch of government. The judiciary is not the branch that is going to be responsible for it. It needs to be moved into a branch so that someone is responsible for developing the Formula itself. This workgroup is designed to come up with a proposal for getting it to a branch of government.

3. Unfinished Business

- a. FOCB Customer Service Report – This was previously discussed, and the Committee received a copy of the report at the January meeting. This will be tabled for the next meeting.
- b. Pundit – Per the January 2004 Minutes, and discussion, Mr. Lebowitz inquired the status of why the highlights of the Committee meetings have not been included in the Pundit.
- c. Year end report – Mr. Lebowitz made a motion that a formal year end report be made that would be submitted to the FOCB indicating the Committee's review of what was accomplished, input or trends from the public concerns, and any concerns of the Committee. In light of Dr. Brooks and Mr. Capps comments of redundancy, Mr. Lebowitz withdrew his motion.

4. New Business

The Committee discussed the status of the final Public Comment form and the intent that public comment be made available prior to any Committee votes in compliance with the Committee By-laws and how that would be implemented. Ms. Holden made a motion to amend the language in the current public comment form to include, 'As required, the Advisory Committee will afford the public in the audience an opportunity to comment at the start of and the conclusion of the Advisory Committee meetings for all matters scheduled for a vote. The chair of the Committee shall determine those instances in which the public audience may be entitled to be given one minute of comment time prior to the Advisory Committee's vote on those matters not formally on the agenda.' This would be placed after the second sentence of the first paragraph. Mr. Lebowitz made a friendly amendment to strike, 'as required'. Motion accepted. Dr. Brooks made the motion. **Motion passed.** Judge Mayfield and Mr. Paruk abstained.

5. Closing

- a. Members Closing Comments – None

- b. Final Public Comment - Mr. Deibolt discussed that the Committee is a public body and not a judicial body. He encourages the Committee to encourage more public comment.
- c. Next meeting date: January 6, 2005 at 11:00 a.m.
- d. Adjourn: Mr. Paruk made a motion to adjourn and seconded by Ms. Holden. Motion passed unanimously.

Ms. Hoseth absence was excused
Mr. Davis has an unexcused absence.